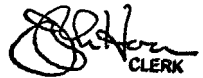


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
AUG 07 2008

CLERK

PAUL PERKINS, individually, and on
behalf of a class of all persons
similarly situated,

Plaintiff,

vs.

AMERICAN NATIONAL INSURANCE
COMPANY,

Defendant.

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MISC. 08-18

ORDER

Pending are various motions related to the service of subpoenas on Home Federal Bank, N.A.
and CorTrust Bank by American National Insurance Company. Based on a review of the entire file
herein, it is hereby


ORDERED that:

1. The Motion to Quash Subpoena (Doc. 1) is DENIED.
2. The Motion for Extension of Time (Doc. 7) is DENIED AS MOOT.
3. The Motions to Compel (Doc. 9 and 10) are GRANTED.
4. Pursuant to Federal Rule of Civil Procedure 45(c)(1), (c)(3)(B)(iii), and (c)(3)(C)(i) & (ii), American National Insurance Company shall pay the reasonable costs and expenses incurred by the subpoenaed persons. In the event of disagreement about the reasonable costs and expenses the subpoenaed persons shall file with the court an itemized statement of claimed costs and expenses supported by an affidavit signed by an appropriate person indicating that the costs and expenses are fair, reasonable, and customary in the community for like services, that the costs and expenses were actually incurred, and explaining why each itemized cost was necessarily incurred. American National Insurance may then file its objections, after which the court will

determine the fair and reasonable expenses owed by American National Insurance Company.

Dated this 7 day of August, 2008.

BY THE COURT:



John E. Simko
United States Magistrate Judge